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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,082	08/08/2001	Nancy Fichter	NF-2001-1-P	3101

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EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,082

Applicant(s)

FICHTER, NANCY

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Storrs (USPN 2641012).

Storrs teaches a brush head having a first side, a second side and a storage cavity (14) between the first and second side. The first side supports a plurality of bristles (20). There is a telescoping handle (36) having a first end and a second end. The first end is secured to the brush head and the handle is extendible from and retractable into the storage cavity. The handle is no longer than the brush head when retracted. There is a grip (52) attached to the second end of the handle.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Markle (USPN 3103682).

Markle teaches a brush head having a first side, a second side and a storage cavity (16) between the first and second side. The first side supports a sponge (10). There is a telescoping handle (30) having a first end and a second end. The first end is secured to the brush head and the handle is extendible from and retractable into the storage cavity. The handle is no longer than the brush head when retracted. There is a grip (50) attached to the second end of the handle.

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Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck (USPN 3188675).

Beck teaches a brush head having a first side, a second side and a storage cavity (14) between the first and second side. The first side supports a sponge (12). There is a telescoping coiled handle (16) having a first end and a second end. The first end is secured to the brush head and the handle is extendible from and retractable into the storage cavity. The handle is no longer than the brush head when retracted. There is a grip (24) attached to the second end of the handle.

Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Frantzeskakis (USPN 5810027).

Frantzeskakis teaches a brush head having a first side, a second side and a storage cavity (26) between the first and second side. The first side supports a sponge (20). There is a telescoping handle (30, 40) having a first end and a second end. The first end is secured to the brush head and the handle is extendible from and retractable into the storage cavity. The handle is no longer than the brush head when retracted. There is a grip (32) attached to the second end of the handle. There is a cover (10) that provides a protective cover for the sponge.

Claims 1, 2, 4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Messer (USPN 3690331).

Messer teaches a brush head having a first side, a second side and a storage cavity (28) between the first and second side. The first side supports a brush (34) while the second side supports a comb (2). There is a telescoping handle (18) having a first end and a second end. The first end is secured to the brush head and the handle is extendible from and retractable into the storage cavity. The handle is no longer than the brush head when retracted. There is a grip (22)

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attached to the second end of the handle. There is a cover (10) that provides a protective cover for the sponge.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fehrenbach (USPN 2116864) in view of Storrs, Fehrenbach in view of Markle, Fehrenbach in view of Frantzeskakis, Fehrenbach in view of Messer and Fehrenbach in view of Beck.

Fehrenbach teaches a brush head having a first side, a second side and a cavity (15) between the first and second side. The first side supports a plurality of bristles (23) while the second side supports a sponge (21). There is a handle (10) with a first end and a second end. The first end is secured to the brush head. There is a grip attached to the second end of the handle. There is a cover (25) that provides a protective cover for the bristles or the sponge. Fehrenbach teaches all the essential elements of the claimed invention however, the reference fails to teach a telescoping handle and two covers for both sides.

With regards to claims 1-3 and 9-11, Storrs, Markle, Frantzeskakis, Messer and Beck teach a brush head with a telescoping handle that completely fits inside the brush head as stated above. Storrs, Markle, Frantzeskakis and Messer teach a handle that has two fixed length tubular members that are slidably disposed, while Beck teaches a handle that is a coiled member that is slidably disposed. It would have been obvious to one of ordinary skill in the art to add a

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telescoping handle as taught by Storrs, Markle, Frantzeskakis, Messer and Beck to Fehrenbach's brush to allow for versatility, better manipulation and easy storage.

With regards to claim 13, Fehrenbach fails to teach two covers, one for each side of the brush head. While Fehrenbach teaches a single cover that works on both sides of the brush head, it would have been obvious to one of ordinary skill in the art to use two covers instead of a single universal cover, since it is a duplication of a part for a multiple effect and this is a modification that has been considered to be within the level of ordinary skill in the art. *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

Claims 1-3, 5-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borchers et al. "*Borchers*"(USPN 6510577) in view of Storrs, Borchers in view of Markle, Borchers (USPN 2116864) in view of Frantzeskakis, Borchers (USPN 2116864) in view of Messer and Borchers (USPN 2116864) in view of Beck.

Borchers teaches a brush head having a first side and a second side. The first side supports a loofah (46) while the second side supports a mesh sponge (12). There is a handle (52) with a first end and a second end. The first end is secured to the brush head. There is a grip attached to the second end of the handle. Borchers teaches all the essential elements of the claimed invention however, the reference fails to teach a telescoping handle.

With regards to claims 1-3 and 9-11, Storrs, Markle, Frantzeskakis, Messer and Beck teach a brush head with a telescoping handle that completely fits inside the brush head as stated above. Storrs, Markle, Frantzeskakis and Messer teach a handle that has two fixed length tubular members that are slidably disposed, while Beck teaches a handle that is a coiled member that is slidably disposed. It would have been obvious to one of ordinary skill in the art to add a

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telescoping handle as taught by Storrs, Markle, Frantzeskakis, Messer and Beck to Borchers' brush to allow for versatility, better manipulation and easy storage.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Storrs, Markle, Frantzeskakis, Messer and Beck all in view of Borchers et al. "*Borchers*"(USPN 6510577).

Storrs, Markle, Frantzeskakis, Messer and Beck teach all the essential element of the claimed invention however, the references fails to teach an abrasive element that is a loofah. Borchers teaches a cleaning element comprising a mesh sponge and loofah attached to a handle (figure 12). It would have been obvious to use a loofah as the abrasive element on the inventions of Storrs, Markle, Frantzeskakis, Messer and Beck because a loofah exfoliates better than a sponge and bristles. A loofah will remove the outer layer of skin that includes dry, flaking and otherwise dead skin.

Claims 8 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Fehrenbach in view of Storrs, Fehrenbach in view of Markle, Fehrenbach in view of Frantzeskakis, Fehrenbach in view of Messer and Fehrenbach in view of Beck as applied to claim 9 above, and further in view of Zimmerman (USPN 2651070).

Fehrenbach in view of Storrs, Fehrenbach in view of Markle, Fehrenbach in view of Frantzeskakis, Fehrenbach in view of Messer and Fehrenbach in view of Beck all teach the essential elements of the claimed invention however the references fail to teach a cover with vent holes. Zimmerman teaches a toothbrush with a cover (30) with vent holes (20) that protects the bristles when not in use. It would have been obvious to one of ordinary skill in the art to add vent holes to Fehrenbach's cover to allow for adequate ventilation, longer life and to prevent the brush head from becoming moldy and unsanitary.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

Slb
8/28/03


ROBERT J. WARDEN, SR.
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